

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KRIS K. BENNETT,

Plaintiff,

v.

WYATT HULL,

Defendant.

CASE NO. 3:21-cv-05858-JHC-BAT

**ORDER DENYING MOTION TO
COMPEL DISCOVERY, DKT. 22**

Plaintiff moves for an order compelling Defendant Wyatt Hull to provide as discovery: (1) a copy of the Stafford Creek Corrections Center (SCCC) surveillance video of the dayroom, Unit H-2-A for May 24, 2019 between the hours of 2:00 and 3:00 pm; (2) A signed copy of Defendant Wyatt's "post position order (job description)."; and (3) All disciplinary records of Defendant Wyatt. Dkt. 22 at 1-3.

Defendant opposes the motions arguing Plaintiff failed to comply with Local Civil Rule 37(a), which requires Plaintiff to include in any discovery motion a certification he has met and conferred or attempted to confer with defense counsel before he filed the present motion. Dkt. 23. In response, Plaintiff contends he submitted a written request for the three items herein and "Defendants only mailed one the three. Two items were not even acknowledged and the 'job description' was only a generic form and NOT a signed copy." Dkt. 22.

1 The Court's scheduling order states "Any motion to compel discovery must include a
2 written certification that the moving party has in good faith either met and conferred or
3 attempted to meet and confer. A motion to compel that lacks such a certification will be
4 summarily denied." Dkt. 15 at 2. Here Plaintiff's motion lacks any certification the parties have
5 met and conferred, or even made an attempt to do so. Accordingly, consistent with LCR 37 and
6 the Court's scheduling order, the Court **ORDERS**:

- 7 1) The discovery motions, Dkt. 22 is **DENIED** without prejudice.
8 2) The clerk shall provide the parties with a copy of this order.

9 DATED this 2nd day of May, 2022.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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